

Appl. No. 10/673,663

Reply Filed: September 30, 2008

Reply to Final Office Action of: January 29, 2008, in lieu of filing an Appeal Brief.

REMARKS

In lieu of filing an Appeal Brief, the Applicant submits this Reply to the Final Office Action of January 29, 2008, along with a Request for Continued Examination. In view of the foregoing amendments and following remarks, reconsideration is requested.

After entry of the foregoing amendment, claims 1-5, 7-37 remain in this application, of which claims 1, 11, 20 and 29 are independent.

Rejection Under 35 U.S.C. §102

Claims 1, 2, 4, 6-10, of which claim 1 is independent, were rejected under 35 U.S.C. 102 in view of U.S. Patent 5,682,326 ("Klingler"). Claim 6 has been cancelled. The rejection of the remaining claims should be withdrawn.

According to Klingler, a

"Digitizer Window may be utilized to control an external video machine to capture and digitize the source video, as well as select in and out point to define the source clips. The clips are preferably defined by a clip identifier, the in and out points for the clip . . . , and any comments relating to that clip. Once defined, the source clips . . . are then digitized."

Klingler, col. 6, lines 39-46. "[A]fter digitizing, the clips can be reviewed in the Monitors Window 46" in Fig. 3. *Klingler*, col. 6, lines 53-54.

According to Klingler, "[r]eference clips can be created from source clips by viewing selected portions of the source clips in the source monitor subwindow 48, selecting in and out points, and naming each of the reference clips." *Klingler*, col. 6, lines 58-63. Regarding reference clips, Klingler states at col. 7, lines 13-21:

"A reference clip does not contain the actual digitized media. Instead it contains it contains references back to the media in the source clips, including in and out points (clip beginning frame and clip ending frame), for that reference clip. It should be noted that the reference clips defined and created for a particular program do not necessarily have the same in and out points as the source clips which contain the media referenced in the reference clips."

According to Klingler, reference clips, once created, may be stored in a "bin", which is shown to the user via a project window 60. See *Klingler*, Col. 7, lines 22-24. The project window of Fig. 4 is shown below:

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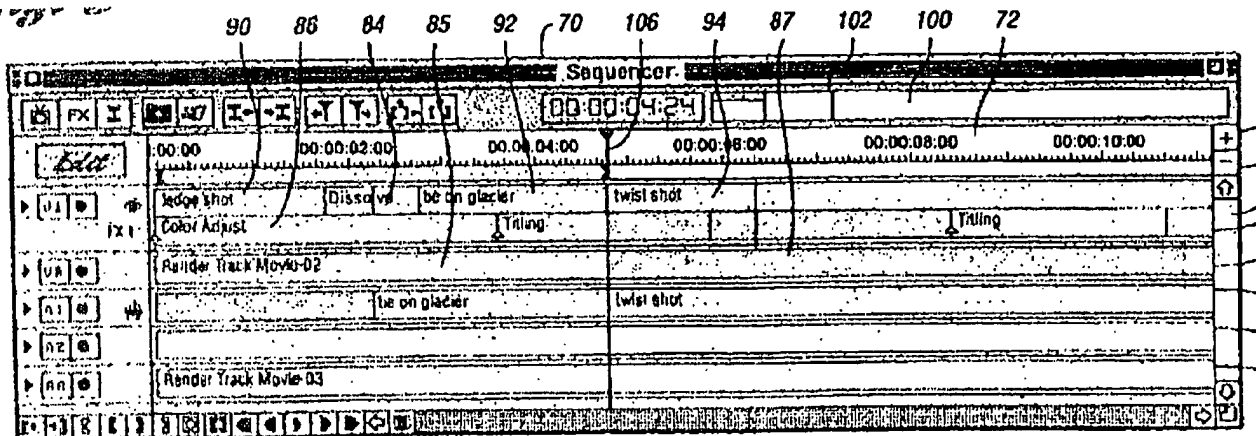
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Name	Duration	In	Out	Tracks	Comment	Status	Tape ID
be on glacier	00:00:06:11	00:03:43:19	00:03:50:00	U A1		On disk	copy 6
clouds	00:00:09:19	00:10:30:04	00:10:39:23	U A1		On disk	copy 6
ledge shot	00:00:05:01	00:13:29:12	00:13:34:19	U		On disk	copy 6
mega jump	00:00:19:19	00:15:52:15	00:16:12:04	U A1		On disk	Reel1001
ski roll	00:00:05:21	00:12:03:25	00:12:09:16	U		On disk	copy 6
the kitchen wall	00:00:05:17	00:12:32:00	00:12:37:17	U		On disk	copy 6
twist shot	00:00:09:21	00:28:46:11	00:28:56:02	U A1		On disk	copy 6

According to Klingler, "[o]nce the reference clips have been defined and collected, a program can be created using the editing system . . ." *Klingler*, col. 7, lines 10-11. "A program is a meaningful sequence of reference clips created from the source clips." *Klingler*, col. 7, lines 11-13. "A program . . . may . . . be assembled in the Sequencer Window 70 [Fig. 5] by . . . arranging the media and/or effects in the desired sequence." *Klingler*, col. 7, lines 43-47. "The starting point and ending point of the reference clips can be changed, and/or the clips can be moved relative to other clips simply by clicking on and dragging the graphical representation of the clip in the sequencer time line." *Klingler*, col. 7, lines 55-59. The sequencer window from Fig. 5 is shown below:



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Accordingly, in Klingler, a user generates reference clips, shown in a project window, then drags and drops these reference clips on a timeline, shown in a sequencer window, which represents the video program as a sequence of clips.

Claim 1 is different from Klingler.

According to the Office Action, it appears that the claimed "description of the motion picture" is deemed to correspond to the project window 60, the claimed "sequence of clips" is deemed to correspond to the representation of the video program in the timeline in the sequencer window 70, and the claimed "automatically generating" the sequence of clips is deemed to correspond to the computer creating the representation of the video program in the timeline in the sequencer window 70 in response to the user dragging reference clips from the project window 60. Applicant requests clarification if this understanding of the rejection is incorrect.

Claim 1 has been amended to clarify that the description of the motion picture comprises "a sequence of shot descriptions, wherein each shot description includes the initial duration of a clip to be generated for the shot." Although the project window in Klingler shows information for multiple reference clips, this information is not a "sequence" of shot descriptions from which the computer automatically generates the sequence of clips. The project window is a mere collection of reference clips from which the user may select a clip to place into the timeline.

Claim 1 also recites "receiving input from a user indicating instructions to associate motion video information stored in computer data files with clips in the automatically generated sequence of clips" In claim 1, a "sequence of clips" is "automatically generated". Then "motion video information" is associated "with clips in the automatically generated sequence of clips," based on received user input. In claim 1 it is clear that the sequence of clips is automatically generated *before* video may be associated with the clips.

Klingler requires video to be associated with clips *prior* to those clips being placed in a meaningful sequence. Klingler does not teach allowing a user to associate video with clips already in a sequence.

The Examiner disagreed because Klingler has reference clips in the project window and sequencer. See Final Office Action, page 8. The Examiner asserts that, in Klingler, "each

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reference clip does not contain video (7:12-17). Only when the program is rendered, the system processes the source media referenced in the reference clips (4:26-30)." Final Office Action, page 8, lines 8-10. The Applicant does not disagree; in fact the Final Office Action confirms Applicant's point: Klingler plainly describes that "source media [are] *referenced* in the reference clips (4:26-30)." Final Office Action, page 8, line 9, emphasis added. Therefore, Klingler does not describe allowing a user to "associate motion video information stored in computer data files with clips in the automatically generated sequence of clips" as claimed.

In addition, if the "automatically generated sequence of clips" in claim 1 is being construed to be the sequence of clips shown in the sequencer window 70 of Klingler, then there is no operation described in Klingler that corresponds to a user providing input to associate motion video information stored in computer data files with clips in the automatically generated sequence of clips.

In view of the foregoing, the rejection of claim 1 should be withdrawn. The remaining claims 2, 4 and 7-10 are dependent claims, for which the rejections should be withdrawn for at least the same reasons.

In addition, regarding claim 9, the Final Office Action refers to the "comment" field for a clip. Klingler neither describes nor renders obvious the claimed "tip for filming a shot during production" in claim 9. Regarding claim 9, because the reference clips and various information about them relate to video information that *already exists*, it does not, and would not be used to, store a "tip for filming a shot during production." The reference clips in Klingler have already been shot. The Office Action provides no explanation of how any of the information relating to video that has already been shot could be used as a "tip" for filming the shot. Accordingly, the rejection of claim 9 should be withdrawn for at least this additional reason.

Rejection Under 35 U.S.C. §103

Claims 3, 5 and 11-19, of which claim 11 is independent, were rejected under 35 U.S.C. 103 in view of Klingler and U.S. Patent 5,568,275 ("Norton" et al). The rejection is respectfully traversed.

Klingler was discussed above. The Final Office Action indicates that Klingler fails to describe a clip that has no motion video information associated with it. See Final Office Action, page 4, lines 18-19.

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The Final Office Action refers to column 6, lines 10-11 of Norton. According to Norton, conventional edit decision lists "are not in a form that is readily understood, as they are intended primarily to be computer instructions," and that it may be difficult to "visualize the final program or its sources." Col. 1, lines 60-62 and 66-67. To solve this problem, according to Norton, "audio and/or visual information [is provided] along with the editing instructions. . .". Col. 2, lines 23-26. The "Viewer" in Norton receives an EDL to allow each edit instruction to be augmented with audiovisual information. In particular:

"the Viewer may allow new EDL data to be received from an on-line system and stored in a VEDL document. Blank clips are included as movie placeholders for each edit instruction."

Norton therefore teaches how to *augment* an edit decision list produced by an editing system, in which each editing instruction refers to a source of video information.

This rejection in view on Klingler and Norton depends on an erroneous finding of fact regarding what Norton describes. The Final Office Action asserts that Norton provides a motivation for "providing a placeholder for an editing instruction." This interpretation of Norton is incorrect. Blank clips in Norton are not placeholders for editing instructions. Instead a blank clip is audiovisual data that acts as a placeholder for a movie (hence it is called a "movie placeholder" by Norton) that would be associated with an editing instruction represented in text. Norton's system involves augmenting editing instructions represented in text (and EDL instruction) with audiovisual information. The blank clip is audiovisual data that merely augments an existing textual editing instruction; it acts as a placeholder for some other movie that could be associated with that textual editing instruction.

Given a proper understanding of what Norton describes, one of ordinary skill in the art would not have combined Norton's blank clip with Klingler in the manner suggested by the Office Action because Norton relates to augmenting editing instructions represented in text, and being read by individuals as text, and Klingler does not.

Accordingly, the rejection of claims 3, 5 and 11-19 should be withdrawn.

In addition, regarding independent claim 11, arguments similar to those presented above in connection with claim 1 with respect to Klingler also apply regarding the limitations of: "automatically generating in the computer system a sequence of clips" and "associating motion video information . . . with each clip. In particular, in Klingler, a user generates reference clips,

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then drags and drops these reference clips on a timeline, from which a sequence of clips is generated in the computer. In claim 11, a "sequence of clips" is "automatically generated". Then "motion video information" is associated "with clips in the automatically generated sequence of clips." In claim 11 it is clear that the sequence of clips is automatically generated before video may be associated with the clips. Klingler requires video to be associated with clips prior to those clips being placed in a meaningful sequence. Klingler does not teach associating video with clips already in a sequence.

Moreover, claim 11 recites "a plan for the motion picture, wherein the plan specifies a sequence of shots, wherein each shot is specified by a shot description including a reference to a textual description of the shot and a duration of the shot, wherein at least one shot lacks a reference to a source of motion video information for the shot." As noted above, Klingler fails to teach that a "shot lacks a reference to a source of motion video information for the shot." In particular, Klingler requires each clip to be defined with reference to motion video information, which is directly contrary to the claim limitation. Norton merely permits a user to associate a blank clip as a movie placeholder associated with an edit instruction in an EDL. Norton does not teach that a shot in a plan for a motion picture should lack a reference to a source of motion video information for the shot. In fact, each instruction in an EDL also necessarily refers to a source of motion video information in that shot. That reference, in an EDL, is textual. The blank clip in Norton is merely blank video information associated with that textual instruction. Therefore, neither Klingler nor Norton describes "a plan for the motion picture, wherein the plan specifies a sequence of shots, wherein each shot is specified by a shot description including a reference to a textual description of the shot and a duration of the shot, wherein at least one shot lacks a reference to a source of motion video information for the shot."

In view of the foregoing comments, the rejection of claim 11 should be withdrawn. The remaining claims 12-19 are dependent claims, the rejections of which should be withdrawn for at least the same reasons. The rejection of claim 18 is also traversed for the same reasons provided above in connection with claim 9.

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In addition, referring now to claims 3 and 5, because claims 3 and 5 are dependent on claim 1, they are allowable over Klingler and Norton for at least the same reasons that claim 1 is allowable over Klingler alone.

Moreover, dependent claims 3 and 5 also recite "displaying to the user an indication, for each clip in the automatically generated sequence of clips to which motion video information has not been associated, that the clip has no motion video information associated with the clip." Klingler fails to teach that a clip may have no motion video information associated with it; in fact, Klingler teaches that each clip necessarily has motion video information associated with it. Thus Klingler fails to teach displaying an indication that a clip has no motion video information associated with it. Even though Norton teaches a "blank clip," one would not understand from this teaching any reason to modify Klingler to display whether a clip has *no* motion video information associated with it because Klingler *requires* a clip to have motion video associated with it.

Accordingly, dependent claims 3 and 5 are allowable over Klingler and Norton.

New Claims

New claims 20-38 are process claims including limitations similar to those found in claims 1-19, and therefore find support in the specification and are patentable over the rejections of record for at least the same reasons as claims 1-19.

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CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Accompanying this Reply is a Request for Continued Examination (RCE). Please charge the associated fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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